

## CRIMINAL COMPLAINT

United States District Court		DISTRICT of ARIZONA	
United States of America V. <b>Francisco Javier VILLA</b> DOB: 1973, U.S. Citizen		DOCKET NO.	
LODGED FILED RECEIVED FEB 6 2008		MAGISTRATE'S CASE NO. <b>08-03020M</b>	
Complaint for violation of Title 21 United States Code §§ 841(a)(1)& 841(b)(1)(B)(vii)			
COMPLAINANT'S STATEMENT OF FACTS CONSTITUTING THE OFFENSE OR VIOLATION:			
<p>On or about February 5, 2008, at or near Willcox, in the District of Arizona, <b>Francisco Javier VILLA</b>, did knowingly and intentionally possess with intent to distribute 100 kilograms or more, but less than 1,000 kilograms of marijuana, that is, approximately 106.87 kilograms of marijuana, a Schedule I controlled substance; in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B)(vii).</p>			
BASIS OF COMPLAINANT'S CHARGE AGAINST THE ACCUSED:			
<p>On February 5, 2008, at approximately 2:25 p.m., U.S. Border Patrol agents observed a red 1997 Chevrolet Trailblazer traveling north on Highway 191 near mile marker 24. Agents observed the driver was sitting in a rigid manner with his arms locked straight out and did not look in the agents' direction. Agents also observed the female passenger was sitting rigidly and did not look in the agents' direction. When agents pulled behind the Trailblazer, the driver of the Trailblazer slowed to the exact speed limit and watched the agents through his side view mirror. The driver watched the agents in his side view nearly continuously. As a result, the defendant began to swerve and repeatedly allowed the tires of the vehicle he was driving to touch or cross the center and right hand lines of the lane he was driving in before correcting and driving his vehicle within his lane. The agents activated their emergency lights and the Trailblazer yielded immediately. As agents approached the drive, they observed a blanket covering the entire rear cargo area of the vehicle and a child seated in the rear seat. Agents observed the driver was visibly shaking. The agents could smell the strong odor of cologne and marijuana. Agents asked driver (later identified as Francisco Javier VILLA) if they could look under the blanket in the back. VILLA said they could and then released the latch for the rear window. Agents found fourteen (14) cellophane wrapped bundles of marijuana underneath the blanket weighing 106.87 kilograms. After being advised of his Miranda rights, the defendant stated that the female passenger had no knowledge of the drug smuggling. The defendant stated that he had been recently laid off and was trying to help make ends meet.</p>			
MATERIAL WITNESSES IN RELATION TO THE CHARGE:			
REQUEST DETENTION		SIGNATURE OF COMPLAINANT	
Being duly sworn, I declare that the foregoing is true and correct to the best of my knowledge. JTM/km AUTHORIZED BY: <i>[Signature]</i>		(official title) <i>[Signature]</i> OFFICIAL TITLE Special Agent DEA	
Sworn to before me and subscribed in my presence.			
SIGNATURE OF MAGISTRATE JUDGE <sup>1)</sup>		DATE	
<i>[Signature]</i>		February 6, 2008	

<sup>1)</sup> See Federal rules of Criminal Procedure Rules 3 and 54